



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 10, 2012

REQUEST: City Council Bill #12-0054/Zoning – Conversion of Single-Family Dwellings – Coldstream Homestead Montebello Urban Renewal Area

For the purpose of prohibiting the conversion of buildings used for single-family dwellings in the Coldstream Homestead Montebello Urban Renewal Area, unless expressly authorized in the Urban Renewal Plan for that Area.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

INTRODUCED BY: Councilmember Clarke

SITE/GENERAL AREA

Coldstream Homestead Montebello neighborhood, in a primarily residential area, comprised of row homes.

HISTORY

- This site is located within the Coldstream Homestead Montebello Urban Renewal Plan (URP), which was established by Ordinance #77-289, dated February 28, 1977.
- The Coldstream Homestead Montebello URP was amended by Ordinance #11-446, dated May 26, 2011. The principal purposes of the amendment included the reauthorization of the acquisition authority of the plan through December 31, 2014, and to remove certain properties from the acquisition list in the URP document, along with other technical corrections.
- On March 22, 2012, the Planning Commission considered CCB #12-0029, which proposed an amendment to the Coldstream Homestead Montebello URP. The bill is still in committee.

CONFORMITY TO PLANS

This proposal generally supports the neighborhood desire for homeownership in the Coldstream Homestead Montebello Area Master Plan.

ANALYSIS

Background on Conversions: Currently, conversion of a dwelling means modifying a single-family or two-family home in order to house additional dwelling units in the same building. Under the existing §3-305(b)(1), there are limitations on conversions - conversions are not allowed in R-2, R-4, R-5, or R-6 Districts. R-1 and R-3 do not have to be listed there, since they are single-family districts where no multi-family units are allowed, and so conversions are likewise not permitted. Elsewhere, conversions are authorized through a conditional use process (through the BMZA for most, through an Ordinance in R-8 Districts).

Purpose: The goal of this bill is to prohibit conditional use conversion of dwellings in the Coldstream Homestead Montebello Urban Renewal Area, unless expressly authorized in the Urban Renewal Plan (URP) for that Area. Conversion of dwellings is a general community concern in this neighborhood. The proposed amendment will modify the Zoning Code by adding a new subparagraph (5) under §3-305(b) that will read:

(5) This subsection does not apply to the Coldstream Homestead Montebello Urban Renewal Area, except to the extent expressly authorized in the Urban Renewal Plan for that Area.

If this bill is adopted, in theory it will mean that no conversions will be possible in the Coldstream Homestead Montebello Urban Renewal Area without first obtaining an Ordinance modifying the URP to grant the express authorization for conversion, followed by pursuing the normal conditional use conversion process. Since this is an atypical means of controlling something in the zoning code, staff is concerned that the practical reality may be a bit different. Considering the existing permit review system, staff believes there is a significant probability that an affected property owner applying for conversion may be referred to the normal conversion process in error (generally to the BMZA). Only in that process, after a referral for comment to the Department of Planning, is the special prohibition on conversions in this area likely to be noticed. That will result in additional time, expense, and work for both applicants and City staff that was not intended.

Alternative: While staff recommends disapproval of this bill, we believe there is another viable solution. Through the comprehensive study of this area, staff is recommending that the majority of the Coldstream Homestead Montebello neighborhood be rezoned to R-6 through the TransForm Baltimore Comprehensive Rezoning process. Staff therefore suggests introduction of a bill that will rezone the majority of the neighborhood to R-6 now, ahead of Comprehensive Rezoning. Doing so will then make those properties ineligible for conversion, without needing any modifications to the Zoning Code.

Community Input: The Coldstream/Homestead/Montebello Community Corporation, Inc. (CHMCC) has been notified of this action.

Thomas J. Stosur
Director